



LAW OFFICES OF LAURIE E. MORRISON

July 9, 2018

VIA ECF

100 Church Street, 8th Floor
New York, New York 10007

28 Valley Road, Suite #1
Montclair, New Jersey 07042

Phone: (212) 721-4051
Cell: (646) 457-8347
morrison@lemorrisonlaw.com

Hon. Gregory H. Woods
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 2260, Courtroom: 12C
New York, NY 10007-1312

RE: Michael J. Manning v. Nandor Technologies, Inc., et al.
Case Nos.: 16 cv. 5911 (GHW) & 17-cv-1671 (GHW) (related case)

Dear Hon. Woods:

Plaintiff submits this letter to respectfully follow-up on Defendants' pending motion to dismiss the 2d (related) Complaint, so the above referenced matters can move forward as soon as possible. Defendants' motion was fully submitted on June 28, 2017 (dkt. #34). Further, all fact discovery was stayed and conferences were adjourned *sine die* until a decision is rendered. (*See e.g.*, Order adjourning Conference, dated October 25, 2017, Dkt. #36).

Plaintiff hopes that the herein application does not unduly bother the Court, as Plaintiff respects and appreciates the Court's extensive docket. Plaintiff is simply eager to move his cases forward as soon as possible.

To provide a brief background, this is an employment case charging that Defendant/employers Nandor Technologies, Inc., Nandor Vacuum Technologies, Inc. and their supervisors, including, but not limited to, Defendant/Owner Mark Saltamach and Jim Mugavero harassed, discriminated against and retaliated against Plaintiff/employee, Michael J. Manning, because of the Plaintiff's race, color, ethnicity, national origin, sex, gender, sexual orientation and legally protected complaints. Defendants' unlawful abuse included, but was not limited to, calling Plaintiff bigoted slurs on a regular basis and constructively terminating Plaintiff's employment.

On July 23, 2016, Plaintiff filed a Complaint, Index No. 16 cv. 5911, against Defendants Nandor Technologies, Inc.; Nandor Vacuum Technologies, Inc.; Owner Mark Saltamach and Supervisor Jim Mugavero. Thereafter, Plaintiff moved to amend the Complaint to include additional charges against Defendants and against Deborah Rutt (Defendant Saltamach's girlfriend), based on unlawful activities that occurred after the initial Complaint was filed.

The Court denied Plaintiff's motion, in part, on timeliness grounds, pursuant to Fed. R. Civ. P. 16 (Dkt. #54). Therefore, Plaintiff filed an Amended Complaint against the initial Defendants and against Deborah Rutt on March 6, 2017, Index No. 17-cv-1671 (related case), to encompass the subsequent case facts and causes of action.

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On May 31, 2017, Defendants filed a motion to dismiss the 2d (related) Complaint. (Dkt. #29). Plaintiff submitted his opposition on June 22, 2017. (Dkt. #32), and Defendants submitted their reply on June 28, 2017. (Dkt. #34).

Since the two cases contain substantially the same facts and circumstances, fact discovery in both cases was stayed pending a decision on Defendants' motion. On October 25, 2017, the Court also adjourned a pre-scheduled conference *sine die* accordingly.

Plaintiff thanks the Court for its time and consideration, and Plaintiff's counsel remains available for a teleconference with all parties if the Court has questions or needs additional information: (646) 457-8347 (cell); morrison@lemorrisonlaw.com.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. E. Morrison", with a stylized flourish at the end.

Laurie E. Morrison, Esq.